

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES L. JOHNSON, JR.,

Plaintiff,

v.

SOLANO COUNTY SHERIFF, et al.,

Defendants.

No. 2:22-cv-02220-KJM-JDP (PC)

ORDER

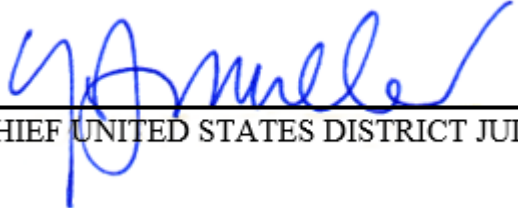
Plaintiff, a former state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 17, 2023, the magistrate judge filed findings and recommendations, which were served on plaintiff and contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the court **declines to adopt** the findings and recommendations. The magistrate judge recommends dismissal because the complaint is “nearly identical” to a

1 complaint in an earlier filed action. Findings and Recommendations at 1, ECF No. 9. However,
2 the fact an action is duplicative does not compel dismissal. *See* L.R. 123 (explaining procedure
3 for cases to be reassigned when they are “related”). Accordingly, the court **orders** the parties to
4 file a Joint Status Report **within fourteen days** as to whether this case should be related or
5 consolidated with *Johnson v. Solano County Sheriff*, 2:22-cv-2061-DAD-CKD.

6 DATED: July 10, 2023.

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9 CHIEF UNITED STATES DISTRICT JUDGE
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